

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, OCTOBER 3, 2018**

MINUTES

1. The Willmar Planning Commission met on Wednesday, October 3, 2018, at 7:00 p.m. at the Willmar City Offices Conference Room #1. Please note, an audio recorder was not available for this meeting.

**** Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Terry Sieck, Jonathan Marchand, and Dr. Jerry Kjergaard.

**** Members Absent:** Terry VanVeldhuizen, Cletus Frank, and Margaret Fleck.

**** Others Present:** Sarah Swedburg – Planner, Odie Henrickson – Willmar, Doris Ohden – Prinsburg, Mike Peart – Willmar, Vandla Peart – Willmar, Doris Swedberg – Willmar, Justin Paffrath – Willmar, Cal Ahrenholz – Prinsburg, Howard Peart – Willmar, Bob Enos – Willmar, Jim Butterfield – Willmar, Abdirahin Hussen – Willmar, Cecil Meyer – Willmar, Duane Bonnema – Raymond, Gary Ambros – Lake Benton, Gary VanEps – Granite Falls

2. MINUTES: Minutes of the September 19, 2018 meeting were approved as presented.

3. JAMES HOUSE CONDITIONAL USE PERMIT – FILE NO. 18-03: The public hearing opened at 7:01 p.m. Staff presented, on behalf of Duane Bonnema of James House, Willmar, MN, a conditional use permit request for a women's residential care facility (sober living home) on property described as: Lot 1, Block 1, Carpenter's Tools (1809 19th Ave SW). The James House intends to utilize the building currently onsite, and will provide services for not more than 6 clients at any given time, due to building code and ADA regulations. All lot and parking requirements are met, and the use fits in with other medical and care facilities in this area.

Duane Bonnema informed the commission that their previous home burned down after being struck by lightning. Their biggest change is providing services for females instead of males at their new location to eliminate the duplication of services; the Fortress has a 33-bed facility for males. The house has the capacity to serve up to 11, and will be supervised 24/7.

Gary VanEps stated that the group opened their first home in 2003 and never received any neighbor complaints. There was one police call made in the 14 years at their first home.

Gary Amrose from the New Life Treatment Center in Lake Benton expressed support for this new location. Many of New Life's clients have been sent to James House over the

years. He addressed the need for more sober living homes for females, as they are few and far between, despite the great need for this service.

Mr. Bonnema concluded that Willmar is an ideal location for sober housing because of public transit access and job availability.

No one else appeared to speak for or against the request and the public hearing closed at 7:12 p.m.

Staff comments were reviewed and discussed (see Attachment A). The Planning Commission was informed by Mr. Bonnema that a sober living home is for clients that have finished treatment and are ready to take the first steps to integrate back into the community.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Kimpling made a motion, seconded by Mr. Standfuss, to approve the conditional use permit for a women's sober living home with the following conditions:

- A. Applicable building codes and ADA compliance shall be met if providing for more than 6 people at any time, as required by State regulations.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The motion carried.

4. PEART REZONE I-1 TO GB – FILE NO. 18-07: The public hearing opened at 7:19 p.m. Staff presented, on behalf of Peart Properties, LLLP of Willmar, MN, a request to rezone property from I-1 (Limited Industry) to GB (General Business). The property is described as: Lot 1 excluding all that part lying southwesterly of a line drawn northwesterly at right angles to the southeasterly line of Lot 1 from a point on said southeasterly line which is 160 feet northeasterly of the most southerly corner of said Lot 1, Block 1, Willmar Industrial Park (500 Industrial Dr. SW). This rezone would allow the use of a day care center. Staff has expanded the rezone request to create a commercial corridor leading into the Industrial Park due to the properties' generally small size and/or visibility along Highway 12 W. The expansion also makes the rezoning request feasible, as the Commission did not find a single parcel rezone or text amendment possible to allow such a use in the Industrial Park.

Mike Peart, representing Peart Properties, explained that his parents were looking to sell/retire, and this space fit the needs for a day care center. Jim Butterfield, an old employee for the company, spoke in favor of the rezone request, explaining that having a day care facility in this area would be beneficial for all of the working parents; it is a much needed service in our community. Both Mr. Peart and Mr. Butterfield stated that the building is more conducive for a commercial use.

Odie Henrickson requested his property remain industrial and be removed from the rezone as he has been in contact with an industrial use interested in his parcel. The property is described as follows: All that part of lots 8, 9, & 14 lying northwesterly of T.H. 40 and southerly of T.H. 12 (208 Industrial Dr SW).

Thomas Kvam also requested to be removed from the rezone as his parcel has limited access and would prefer future property owners to make the decision of commercial or industrial use. The property is described as follows: Lot 4, Block 1, Quinn Addition (1502 Trott Service Dr SW).

Staff recommended against creating any zone-islands by excluding the Kvam property. Because of Henrickson's parcel location, staff did not see any issue excluding the property from the rezone, as the commercial corridor would still be contiguous.

No one else appeared to speak for or against the request and the public hearing closed at 7:43 p.m.

The Commission discussed excluding three additional properties in order to create a contiguous industrial zone on the east end of the commercial corridor, which would exclude the Kvam property from the rezone. This solution would still create the intended commercial corridor and would not affect the rezoning of the Peart property.

Staff comments were reviewed and discussed (see Attachment A).

Mr. Standfuss made a motion, seconded by Mr. Marchand, to approve the rezone, excluding the proposed northwesterly most parcel and easterly 4 parcels, and forward it onto the City Council for a public hearing and Ordinance adoption.

The motion carried.

5. CABHS FACILITY PLAN REVIEW – FILE NO. 18-09: Staff presented a plan review request on behalf of David Moga of Mohagen Hansen, Wayzata, MN to allow a 16-bed Child and Adolescent Hospital on property described as follows: part of the Southwest ¼ of Northeast ¼, Section 1, Township 119 N, Range 35 W (2301 Transportation Dr. NE). All setback, parking, and lot size requirements are well exceeded. This development would fit in well with other uses and the aesthetic is similar to government/institution buildings in the area.

The Planning Commission reviewed and discussed staff comments (see Attachment A). The Commission stated that a facility such as this will not only benefit the State, but also be a great expansion for our community to retain in town.

The Commission discussed Fire Chief/Marshal turning radius comments. Staff clarified for Commissioners that this would be a fully locked facility for the residents receiving treatment.

The Commission discussed pollinator plant prioritization for Stormwater retention ponds and landscaping. Staff will notify the developer of this desire and look into incorporating this into the current landscape requirements.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Standfuss made a motion, seconded by Mr. Kjergaard, to approve the plan review with the following conditions:

- A. All Fire Chief/Marshal and Engineering Department comments shall be met, adhered to, and additional information supplied as requested.
- B. Stormwater plans shall be reviewed by the City Engineer and approved prior to issuance of building permits.
- C. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The motion carried.

6. There being no further business to come before the Commission the meeting adjourned at 8:14 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah Swedburg".

Sarah Swedburg
Planner

PLANNING COMMISSION – OCTOBER 3, 2018

STAFF COMMENTS

1. JAMES HOUSE CUP – FILE NO. 18-03:

- The applicant is James House, Willmar, MN by Duane Bonnema.
- The applicant is requesting a CUP to allow a women's residential care facility (sober living home) on property described as: Lot 1, Block 1, Carpenter's Tools (1809 19th Ave SW).
- The property is currently zoned LB (Limited Business).
- The property is accessed via 19th Ave SW.
- The currently building on the property will be reused. There will be up to 6 residents at any given time to begin, with expansion as a long term goal.
- Because there will be 6 or fewer residents, the building is not required to be sprinkled or made handicap accessible at this time. Future expansion of residents will require both of these. The LB zone does not limit the number of people that can utilize this space.
- Future expansion goals includes more residents, allowing women and children, and an outdoor playground area.
- Parking requirements are met (14 parking spaces currently on site, plus a garage). The owners foresee less vehicle traffic than others in the area.
- The required setbacks, lot area, and width minimums are well exceeded.
- The use will fit in well with other care facilities and Limited Business uses in the area.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. Applicable building codes and ADA compliance shall be met if providing for more than 6 people at any time, as required by State regulations.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. PEART REZONE I-1 TO GB – FILE NO. 18-07:

- The applicant is Peart Properties, LLLP.
- The applicant is requesting a rezone from I-1 (Limited Industry) to GB (General Business) on property described as: Lot 1 excluding all that part lying southwesterly of a line drawn northwesterly at right angles to the southeasterly line of Lot 1 from a point on said southeasterly line which is 160 feet northeasterly of the most southerly corner of said Lot 1, Block 1, Willmar Industrial Park (500 Industrial Dr. SW).
- Staff has expanded the rezone to include other parcels in the S ½ of the NE ¼ of Section 16, Township 119, Range 35 (map included in packet).
- The applicant is requesting the rezone to allow the use of a commercial day care center. Staff's addition will create a transitional commercial corridor leading into the Industrial Park. The corridor includes other parcels that are more oriented for commercial use due to their smaller size and higher visibility along Hwy 12 W.
- The surrounding properties are mostly industrial, with residential properties lying southeasterly of the railroad tracks. One parcel in the center of the corridor is currently zoned GB.

- The rezone will not require any use to terminate. Those that are currently legal-nonconforming properties will remain legal-nonconforming. The properties currently conforming will continue to conform in the commercial zone.
- This rezone will help fulfill a much needed service in our community in a location convenient for many working parents in the industrial park.

RECOMMENDATION: Approve the rezone and forward it onto the City Council for Ordinance introduction and adoption.

3. CABHS FACILITY PLAN REVIEW – FILE NO. 18-09:

- The applicant is Mohagen Hansen, Wayzata, MN by David Moga – project architects for the State of Minnesota (DHS).
- The applicant is requesting a plan review to allow a 16 bed Child and Adolescent Hospital on property described as follows: part of the Southwest ¼ of Northeast ¼, Section 1, Township 119 N, Range 35 W (2301 Transportation Dr. NE).
- The property is zoned G (Government/Institution), and a public hospital/treatment center of no size limit is allowed with a Plan Review.
- Lot width, area, and setbacks are subject to recommendation by the Zoning Administrator and approval by Planning Commission. The lot adequately serves the proposed building, with room for future expansion. Setbacks are well exceeded.
- The property is about 427,000 sq ft (8.25 ac), and the proposed building is 18,200 sq ft.
- Parking requirements are well exceeded (76 spaces, 4 of which are handicap) – based on peak employee & specialist parking needs.
- The site has two proposed accesses via Transportation Dr.
- The building façade is of high-quality material (wood & stone), similar to surrounding uses.
- A stormwater pond and landscaping is planned along the edges of the property for Ordinance compliance and patient privacy. Landscape plan is adequate.
- Construction is scheduled to begin in 2019.
- Signage approvals shall be ancillary from site plan review/approval. A freestanding sign greater than 20 square feet shall require the approval of Planning Commission.

Engineering Comments: **Will be available/distributed at the meeting on 10/3/18

MUC Comments:

- WMU has adequate single and three phase power available.
- 8" water main located on the north side of Transportation Drive.

Fire Chief/Marshal Comments:

- Additional hydrant needed on northwest-west corner due to distance.
- Confirm proper turning radius for 45' truck at entrance.

RECOMMENDATION: Approve the plan review with the following conditions:

- A. All Fire Chief/Marshal and Engineering Department comments shall be met, adhered to, and additional information supplied as requested.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

**NOTICE OF HEARING ON A REQUEST FOR
A CONDITIONAL USE PERMIT**

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday, November 7, 2018, at 7:01 p.m. at the City Office Building (Conference Room # 1 main floor), 333 6th St. SW, Willmar, Minnesota, to conduct a public hearing to hear reasons for and against a conditional use permit requested by AEHM, LLC, Willmar, MN, to amend the planned unit development CUP to allow for a 24-unit multi-family apartment complex on property described as: All that part of Lots 33, 34, 35, & 36, Block 5, College View and the adjacent vacated 26th St NW (full description available upon request) (2609 15th Ave NW).

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the City's website Calendar (www.willmarmn.gov).

October 23, 2018
Date

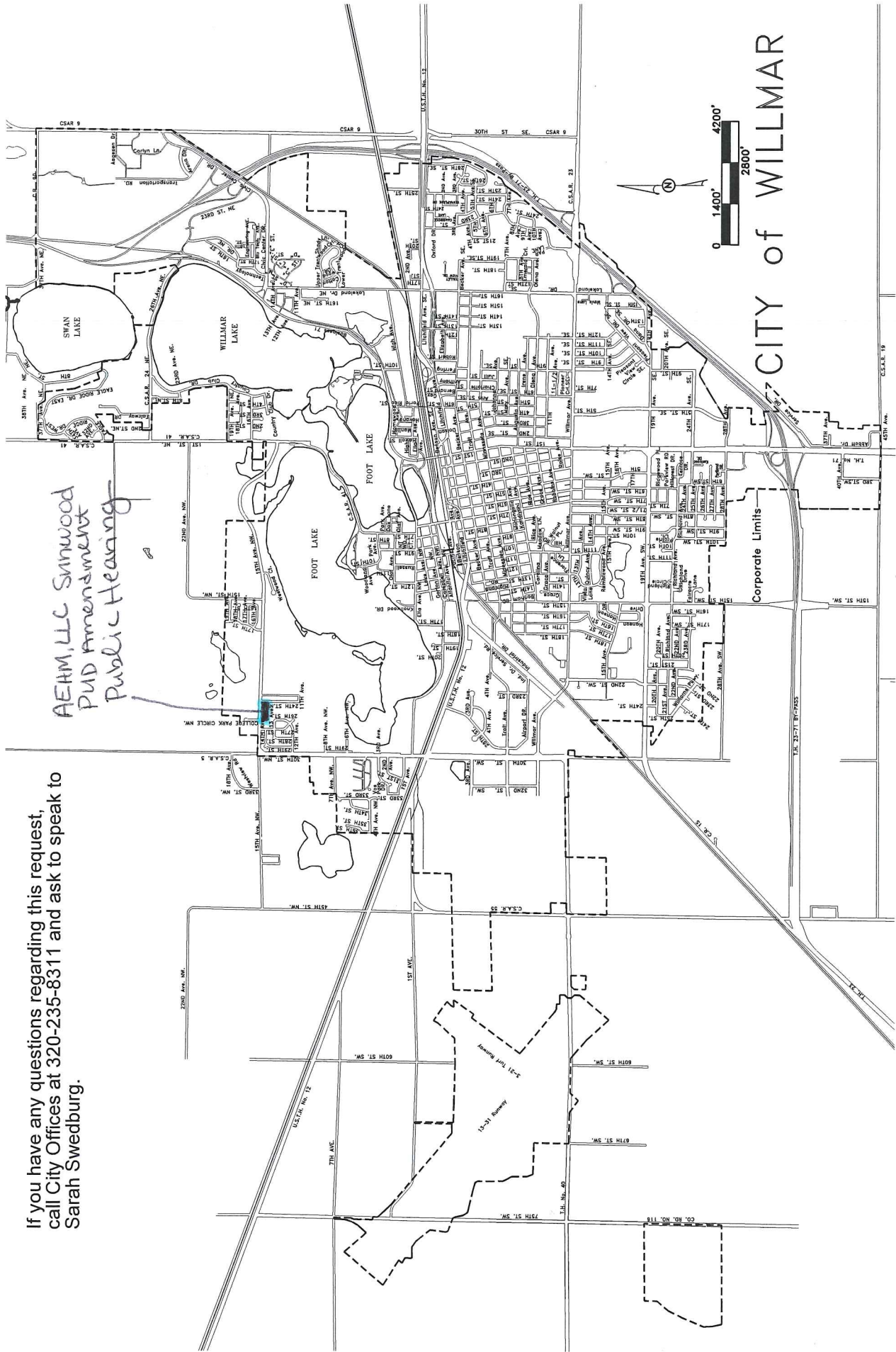
Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

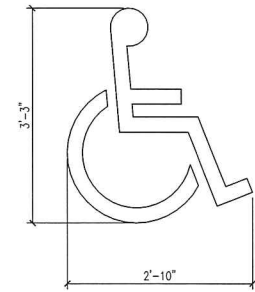
Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

If you have any questions regarding this request,
call City Offices at 320-235-8311 and ask to speak to
Sarah Swedburg.

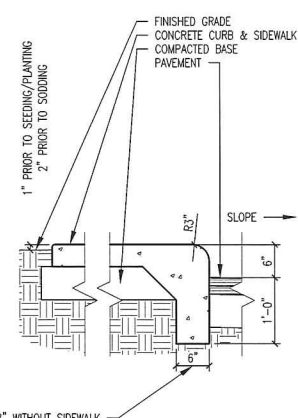
AEHM, LLC Sunwood
PUD Amendment
Public Hearing



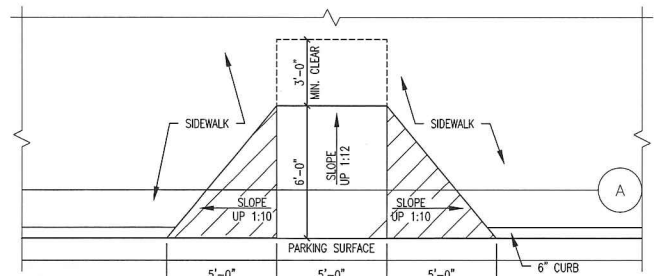
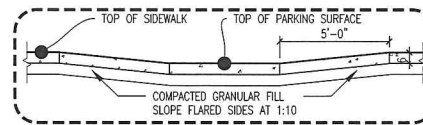
39" TALL 34" WIDE 4" STROKE - INTERNATIONAL STANDARD
HANDICAP PARKING SYMBOL, PROVIDE 1 PER H.C. PARKING
SPACE. PAINT SYMBOL (2) COATS LIGHT BLUE.



4 H.C. PARKING SYMBOL
3/4" = 1'-0"



3 SIDEWALK DETAIL
3/4" = 1'-0"



6 SIDEWALK CURB-CUT DETAIL
1/4" = 1'-0"

LANDSCAPE NOTES:

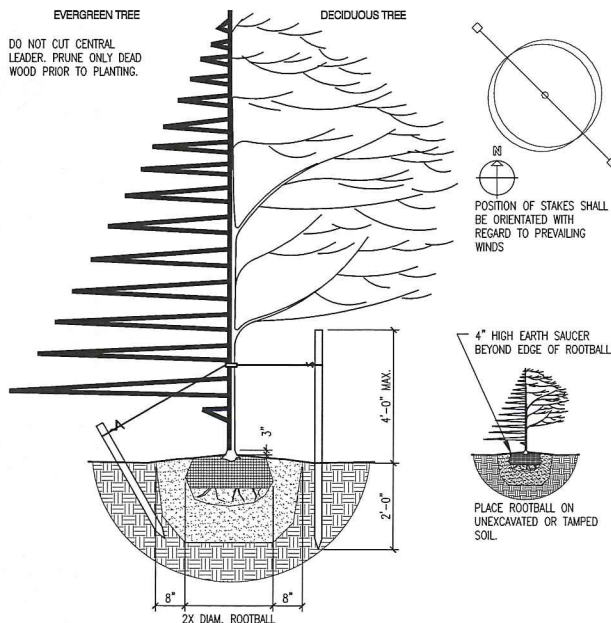
TREES SHALL BE PLANTED SUCH THAT THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOTBALL. TREES WHERE THE TRUNK FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOTBALL WITH SOIL.

WRAP ENTIRE SURFACE OF TRUNK TO SECOND BRANCH WITH APPROVED TREE WRAP (FROM NOV. 1ST. TO MAY 1ST ONLY). SECURE AT 2" INTERVALS. DO NOT WRAP POPULUS SPECIES. SUPPORT WIRE TO BE GALVANIZED. ATTACH TO TREE WITH 2" CLOTH BAND OR APPROVED EQUIV.

STAKE DECIDUOUS TREES AS SHOWN WITH 2'-6" LONG STEEL OR PEELLED POLE STAKES STAKED AT 180°. EXTEND STAKES 24" - 30" INTO GROUND. STAKE EVERGREENS AS SHOWN WITH 3'-2" LONG STEEL STAKES AT 120°. USE ONLY GALVANIZED WIRE.

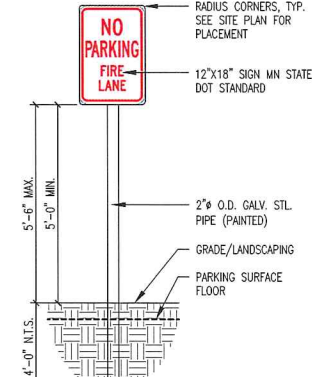
REMOVE ALL WIRE BASKETS, NYLON TIES, TWINE, ROPE, AND BURLAP FROM TOP AND SIDES OF ROOTBALL. REMOVE UNNECESSARY PACKING MATERIAL.

2'-0" RADIUS MULCH COLLAR ONLY AT SINGLE TREE LOCATIONS (WHEN TREES ARE PLANTED IN SOD OUTSIDE OF PLANTING AREAS). DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK.



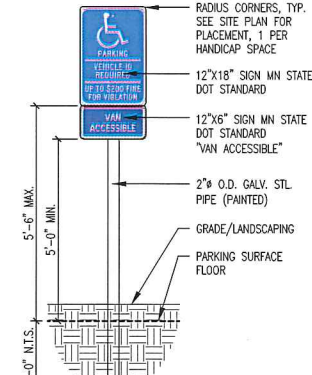
8 LANDSCAPING PLANTING DETAIL
1/2" = 1'-0"

SIGNAGE SHALL CONFORM W/CURRENT STATE & LOCAL CODES
& REGULATIONS



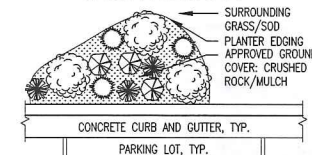
2 NO PARKING-FIRE LANE SIGN
3/4" = 1'-0"

SIGNAGE SHALL CONFORM W/CURRENT STATE & LOCAL CODES
& REGULATIONS



5 H.C. PARKING SIGN
3/4" = 1'-0"

SAMPLE LAYOUT



7 LANDSCAPE LAYOUT SAMPLE
1/4" = 1'-0"


PARKING	
REQUIRED PARKING FOR EXISTING BUILDINGS = 48	
REQUIRED PARKING FOR PROPOSED BUILDING = 48	
TOTAL PARKING REQUIRED = 96	
PARKING PROVIDED = 96	

LANDSCAPE LEGEND	
	LANDSCAPE AREA W/WOOD MULCH GROUND COVER & AUTOMATIC IRRIGATION SYSTEM
	POND/QUARRY (SEE CIVIL)
	NATURAL WETLAND (SEE SURVEY)
	GRASS (SEED) W/ AUTOMATIC IRRIGATION SYSTEM
	CONCRETE PAD/CURB/SIDEWALK/PATIO
	ASPHALT PAVING/DRIVE

LANDSCAPED OPEN SPACE:

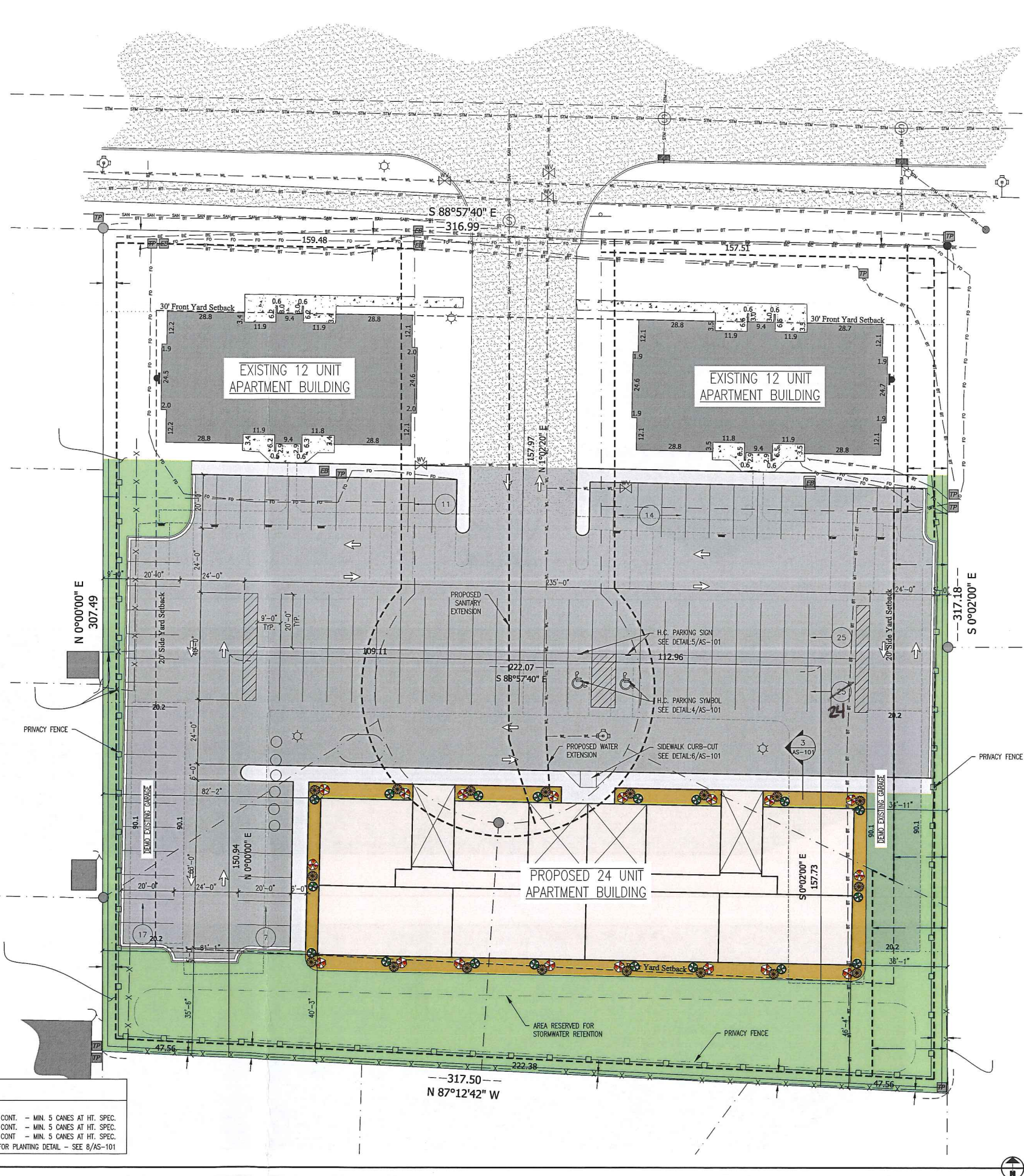
SITE SF:	71,755 SF
LANDSCAPED SF:	19,207 SF
PERCENT OF SITE LANDSCAPED:	26.8%

SHRUB PLANTINGS

	QTY.		
	18	ANTHONY WATERER SPIREA	- 18" HT., CONT. - MIN. 5 CANES AT HT. SPEC.
	18	NORMAN SPIREA	- 18" HT., CONT. - MIN. 5 CANES AT HT. SPEC.
	18	GOLDFLAME SPIREA	- 18" HT., CONT. - MIN. 5 CANES AT HT. SPEC.
	54		NOTE: FOR PLANTING DETAIL - SEE 8/AS-101

NOTE: FOR PLANTING DETAIL - SEE 6/AS-101

1 SITE & LANDSCAPE PLAN
1" = 20'



MAHLER & ASSOCIATES
ARCHITECTURE
325 N. 33RD AVE. SUITE 107
St. Cloud, MN 56303
Principal
Gracene H.D. Mahler, AIA
TEL: (820) 257-2724
FAX: (820) 257-2725

PRELIMINARY
NOT FOR
CONSTRUCTION

No.	Revision/Issue	Date

Project Name and Address
WILLMAR APARTMENTS
2605 15TH AVE NW
WILLMAR, MN 56201
CLIENT'S NAME
888-888-8888

Project
000
Date
10/03/2018
Scale
AS INDICATED
Sheet
SITE PLAN

AS-101

- 1

MATERIAL: INTEGRALLY COLORED C.M.U.
FINISH: ROCKFACE
COLOR: -
MANUF: -
- 2

MATERIAL: CULTURED STONE
FINISH: ANCIENT VILLA LEDGESTONE
COLOR: -
MANUF: -
- 3

MATERIAL: PRE-FINISHED 8" STEEL LAP SIDING
FINISH: WOOD GRAIN
COLOR: -
MANUF: -
- 4

MATERIAL: PRE-FINISHED 8" STEEL LAP SIDING
FINISH: WOOD GRAIN
COLOR: -
MANUF: -
- 5

MATERIAL: PRE-FINISHED 4" STEEL DBL-LAP SIDING
FINISH: WOOD GRAIN
COLOR: -
MANUF: -
- 6

MATERIAL: PRE-FINISHED VERTICAL STEEL SIDING
FINISH: WOOD GRAIN
COLOR: -
MANUF: -
- 7

MATERIAL: PRE-FINISHED STEEL SHAKE SIDING
FINISH: SPLIT SHAKE
COLOR: -
MANUF: -
- 8

MATERIAL: LAMINATED SHINGLES
FINISH: ARCHITECTURAL
COLOR: -
MANUF: -
- 9

MATERIAL: PRE-FINISHED PRE-FORMED STEEL TRIM
FINISH: SMOOTH
COLOR: -
MANUF: -

HIGHEST ROOF PEAK
ELEV = ±145'-6"

MEAN ROOF HEIGHT
ELEV = ±138'-8"



1 NORTH ELEVATION
3/32" = 1'-0"

HIGHEST ROOF PEAK
ELEV = ±145'-6"

MEAN ROOF HEIGHT
ELEV = ±138'-8"



2 SOUTH ELEVATION
3/32" = 1'-0"

HIGHEST ROOF PEAK
ELEV = ±145'-6"

MEAN ROOF HEIGHT
ELEV = ±138'-8"



3 SIDE ELEVATION
3/32" = 1'-0"

MATERIAL KEY
1/8" = 1'-0"

MAHLER & ASSOCIATES
ARCHITECTURE

TEL: (620) 257-2724
FAX: (620) 257-2725

325 N. 33RD AVE. SUITE 107
St. Cloud, MN 56303

Graeme H.D. Mahler, AIA
Principal



PRELIMINARY
NOT FOR
CONSTRUCTION

No.	Revision/Issue	Date

Project Name and Address
WILLMAR APARTMENTS
2605 15TH AVE NW
WILLMAR, MN 56201
CLIENT'S NAME
888-888-8888

Project
000
Date
10/03/2018
Scale
AS INDICATED
Sheet
EXTERIOR ELEVATIONS
A-201

PETITION FOR ANNEXATION

CITY OF WILLMAR
County of Kandiyohi
State of Minnesota

File No. 18-01
Area No. _____

TO HONORABLE COUNCIL OF THE CITY OF WILLMAR, MINNESOTA

We, the undersigned, are (the sole) (all of the) (a majority of the) owners of the following described property lying in the County of Kandiyohi, State of Minnesota: Legal Description Attached Survey

Said property is unincorporated, abuts upon the limits of the City of Willmar, and is not included within any other municipality. (Said property is platted and encompasses _____ acres) (Said property is unplatted and does not exceed 200 acres in area. The total acreage of such area is 9.91/15.8 acres.)

PETITIONERS RESPECTFULLY PETITION:

1. That pursuant to M.S. 414.033, said property be annexed to and incorporated within the City of Willmar.
2. That said property be zoned R5-PUD.
3. That said property be served with City services/improvements/facilities/utilities, including sanitary and storm sewer, water, electricity and any other City utility required by the area and which is within the capability of the City to provide.

It is hereby certified and stated that said area is contiguous to the City of Willmar and is suitable and proper for annexation under the laws of the State of Minnesota and the ordinances of the City of Willmar; and

It is further certified and stated that we have read carefully the contents of the petition herein and understand the same and covenant and agree that by signing the same it is irrevocable as to us and is binding upon our heirs, representatives and assigns.

Dated: 10/3/2018

By: Dennis Thorpe
Dennis Thorpe

By: James Thorpe
James Thorpe

A filing fee of \$100 must accompany this Petition for Annexation.

9.9 acres

5

THORPE DENNIS & JAMES D
33-008-0010

THORPE DENNIS & JAMES D
33-008-0015

Nelson Bruce D & Lois M
33-008-0012

THORPE DENNIS & JAMES D
33-008-0013

OVERLAP
0002

95-908-0090

95-908-0140

95-908-0040

95-908-0042

95-833-1400

KALLEVIG TRUST BRUCE & JES
95-909-0090

30th St NW

29th St NW

28th St NW

27th St NW

26th St NW

13th Ave NW

7th Ave NW

33rd St NW

12th Ave NW

11th Ave NW

10th Ave NW

9th Ave NW

8th Ave NW

7th Ave NW

6th Ave NW

5th Ave NW

4th Ave NW

3rd Ave NW

2nd Ave NW

1st Ave NW

0100

0101

0102

0103

0104

0105

0106

0107

0108

0109

0110

0111

0112

0113

0114

0115

0116

0117

0118

0119

0120

0121

0122

0123

0124

0125

0126

0127

0128

0129

0130

0131

0132

0133

0134

0135

0136

0137

0138

0139

0140

0141

0142

0143

0144

0145

0146

0147

0148

0149

0150

0151

0152

0153

0154

0155

0156

0157

0158

0159

0160

0161

0162

0163

0164

0165

0166

0167

0168

0169

0170

0171

0172

0173

0174

0175

0176

0177

0178

0179

0180

0181

0182

0183

0184

0185

0186

0187

0188

0189

0190

0191

0192

0193

0194

0195

0196

0197

0198

0199

0200

0201

0202

0203

0204

0205

0206

0207

0208

0209

0210

0211

0212

0213

0214

0215

0216

0217

0218

0219

0220

0221

0222

0223

0224

0225

0226

0227

0228

0229

0230

0231

0232

0233

0234

0235

0236

0237

0238

0239

0240

0241

0242

0243

0244

0245

0246

0247

0248

0249

0250

0251

0252

0253

0254

0255

0256

0257

0258

0259

0260

0261

0262

0263

0264

0265

0266

0267

0268

0269

0270

0271

0272

0273

0274

0275

0276

0277

0278

0279

0280

0281

0282

0283

0284

0285

0286

0287

0288

0289

0290

0291

0292

0293

0294

0295

0296

0297

0298

0299

0300

0301

0302

0303

0304

0305

0306

0307

0308

0309

0310

0311

0312

0313

0314

0315

0316

0317

0318

0319

0320

0321

0322

0323

0324

0325

0326

0327

0328

0329

0330

0331

0332

0333

0334

0335

0336

0337

0338

0339

0340

0341

0342

0343

0344

0345

0346

0347

0348

0349

0350

0351

0352

0353

0354

0355

0356

0357

0358

0359

0360

0361

0362

0363

0364

0365

0366

0367

0368

0369

0370

0371

0372

0373

0374

0375

0376

0377

0378

0379

0380

0381

0382

0383

0384

0385

0386

0387

0388

0389

0390

0391

0392

0393

0394

0395

0396

0397

0398

0399

0400

0401

0402

0403

0404

0405

0406

0407

0408

0409

0410

0411

0412

0413

0414

0415

0416

0417

0418

0419

0420

0421

0422

0423

0424

0425

0426

0427

0428

0429

0430

0431

0432

0433

0434

0435

0436

0437

0438

0439

0440

0441

0442

0443

0444

0445

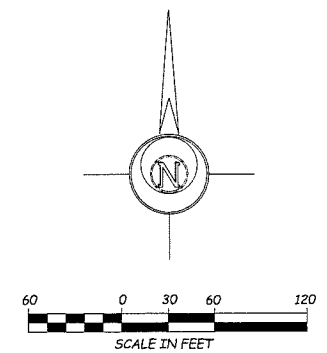
9.9 ac.

LEGAL DESCRIPTION

The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota.

Subject to the rights of the public in C.S.A.H. No. 5.

Subject to easements of record.



- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - INDICATES KANDIYOHI COUNTY CAST IRON MONUMENT
 - ST INDICATES STORM SEWER LINE
 - SN INDICATES SANITARY SEWER LINE
 - I INDICATES UNDERGROUND WATER
 - E INDICATES UNDERGROUND ELECTRIC
 - T INDICATES UNDERGROUND TELEPHONE
 - C INDICATES UNDERGROUND CABLE
 - OWP INDICATES OVERHEAD POWER
 - INDICATES SANITARY MANHOLE
 - INDICATES WATER VALVE
 - INDICATES HYDRANT
 - INDICATES POWER POLE
 - INDICATES LIGHT POLE
 - INDICATES ELECTRIC PEDESTAL
 - INDICATES TELEPHONE PEDESTAL
 - INDICATES CABLE PEDESTAL
 - INDICATES TILE INTAKE
 - INDICATES TREE LINE
 - INDICATES BITUMINOUS SURFACE
 - INDICATES CONCRETE SURFACE
 - INDICATES GRAVEL SURFACE

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300
DATE: 9-27-2018

SHEET 1 OF 1

CERTIFICATE OF SURVEY PREPARED FOR:
UNIQUE OPPORTUNITIES LLC
JOB NO: 2018-501
FILE NAME: 2018-501.dwg
LOCATION: 8-119-35

PETITION FOR ANNEXATION

CITY OF WILLMAR
County of Kandiyohi
State of Minnesota

File No. 18-02
Area No. _____

TO HONORABLE COUNCIL OF THE CITY OF WILLMAR, MINNESOTA

We, the undersigned, are (the sole) (all of the) (a majority of the) owners of the following described property lying in the County of Kandiyohi, State of Minnesota:

See attached document

Said property is unincorporated, abuts upon the limits of the City of Willmar, and is not included within any other municipality. (Said property is platted and encompasses _____ acres) (Said property is unplatted and does not exceed 200 acres in area. The total acreage of such area is 74.4 acres.)

PETITIONERS RESPECTFULLY PETITION:

1. That pursuant to M.S. 414.033, said property be annexed to and incorporated within the City of Willmar.
2. That said property be zoned GB.
3. That said property be served with City services/improvements/facilities/utilities, including sanitary and storm sewer, water, electricity and any other City utility required by the area and which is within the capability of the City to provide.

It is hereby certified and stated that said area is contiguous to the City of Willmar and is suitable and proper for annexation under the laws of the State of Minnesota and the ordinances of the City of Willmar; and

It is further certified and stated that we have read carefully the contents of the petition herein and understand the same and covenant and agree that by signing the same it is irrevocable as to us and is binding upon our heirs, representatives and assigns.

Dated: 9.28.2018

By: _____

Ray
Director of Facilities - Ziegler

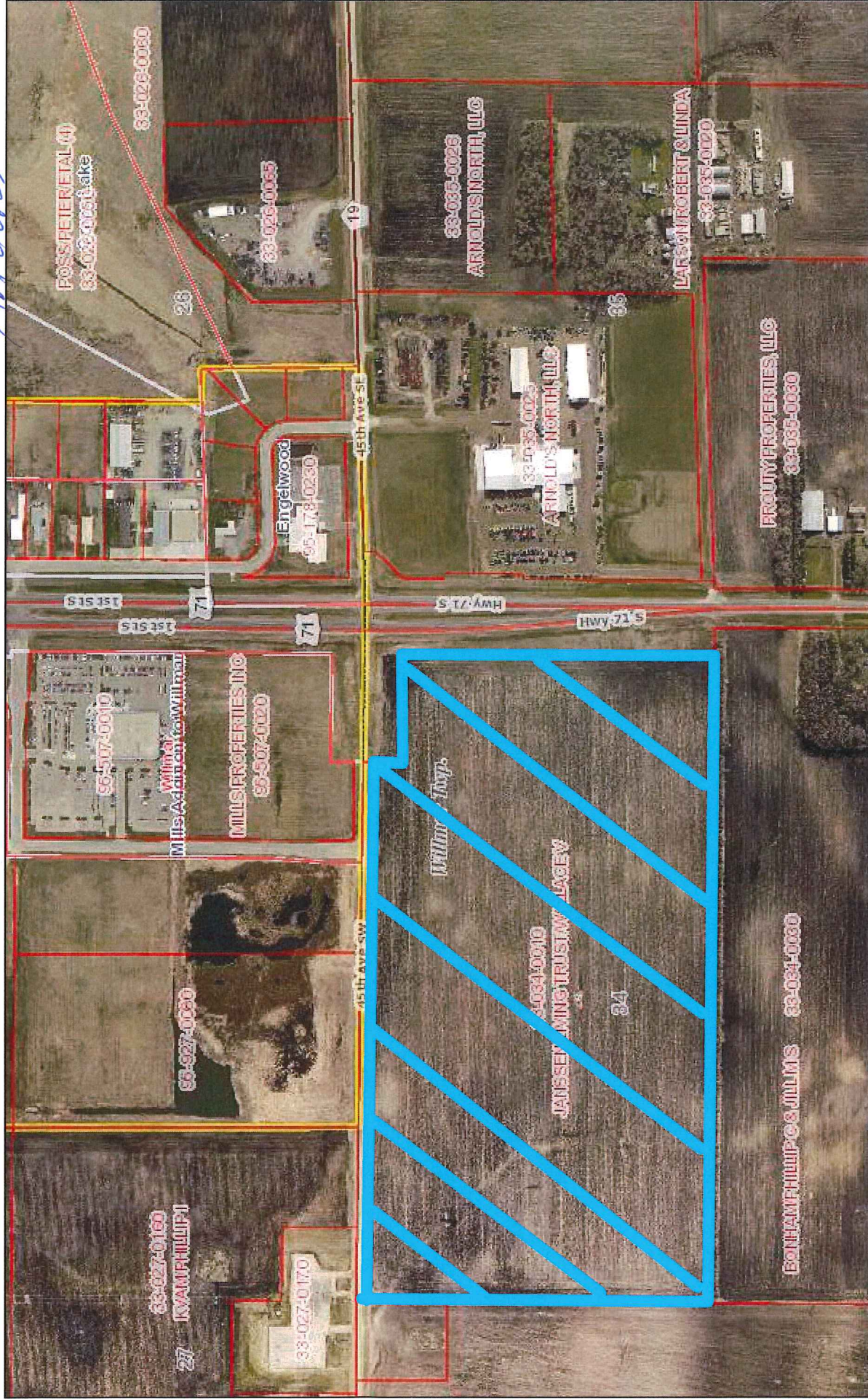
By: _____

A filing fee of \$375.00 must accompany this Petition for Annexation.

received 10-8-18

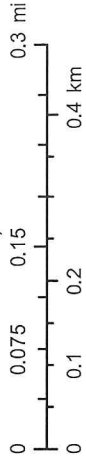
Ziegler Annexation Petition Location

74 Acres



October 10, 2018

1:9,028

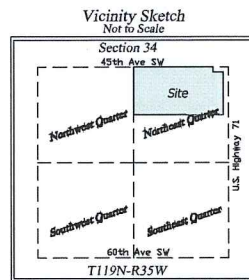


This is an ALTA / NSPS Land Title Survey of:

part of:
N $\frac{1}{2}$ of the NE $\frac{1}{4}$

Located in:

**Section 34, T119N-R35W, Willmar Township,
Kandiyohi County, Minnesota**



This is a survey of the Land Description as found on Schedule A of
Commitment No: 54765
issued by Old Republic National Title Insurance Company
issued by its Agent Commercial Partners Title, LLC.
dated August 1, 2018

The Land is described as follows:

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Section Thirty-four (34), Township One Hundred Nineteen (119), Range Thirty-five (35), Kandiyohi County, Minnesota;

LESS AND EXCEPT U.S. Trunk Highway #71 Right-of-Way

AND LESS AND EXCEPT that part of the North 125 feet of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) which lies between two lines running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in Book 245 of Deeds, Page 116.

Kandiyohi County, Minnesota
Abstract Property

TABLE A ITEMS

- Item 1:** Monuments placed or found at all major property boundary corners. As shown on this survey.
- Item 2:** Address of the surveyed property: Unknown
- Item 3:** This property is in Zone X of Flood Insurance Rate Map, Community Panel Number 27067C0425D, which has an effective date of 09-30-2015 and is NOT in a special Flood Hazard Zone.
- Item 4:** Gross land area, as shown on this survey.
- Item 6a:** No zoning report or letter was provided.
- Item 6b:** No zoning report or letter was provided.
- Item 7a:** No buildings were observed on the surveyed property.
- Item 8:** Substantial features observed in the process of conducting our field work, as shown on this survey.
- Item 9:** No areas of parking were observed on the surveyed property.
- Item 11:** The Gopher State One Call Utility location system was notified for this survey (Ticket # 182012651). The following utility companies were notified and are required by Minnesota Statute 766.0250 to respond:
- | | |
|--|--------------|
| • Charter Communications - CLEAR / NO CONFLICT | 800-778-9140 |
| • Centurylink - MARKED | 800-283-4237 |
| • Kandiyohi Power Coop - MARKED | 763-682-3514 |
| • APTG - CLEAR / NO CONFLICT | 320-256-7471 |
| • Center Point Energy - CLEAR / NO CONFLICT | 408-223-2014 |
| • Great River Energy - CLEAR / NO CONFLICT | 763-241-2340 |
| • Willmar Utilities - MARKED / MAPS RECEIVED | 320-235-4422 |
- Some of the utility companies may not have responded to the locate request. There are also various private facilities that do not participate in the Gopher State One Call utility location system and may have utilities located on this property that we are not aware of. Before any excavating is done in this area, the utilities in this area should be re-notified. The utilities shown on this survey are based on information provided by the utility companies and field observations.

- Item 13:** Adjoining land owner information was obtained from the publicly available Kandiyohi County GIS website, and current tax records.
- Item 14:** The northeast corner of the surveyed property is 600' West of the intersection of U.S. Highway 71 and 45th Ave SW.
- Item 16:** No evidence of recent earth moving work, building construction, or building additions were observed on the surveyed property during our field work.
- Item 17:** No proposed changes in street right of way lines were provided, and no evidence of recent street or sidewalk construction or repairs were observed during our field work.
- Item 18:** No markers of delineated wetlands were observed on the surveyed property. Low areas as shown on this survey are derived from the National Wetlands Inventory and are shown by scaled map location and graphic plotting only.
- Item 19:** No offshore plottable easements or servitudes were provided or obtained as a part of our survey.

SCHEDULE B, PART 2 - EXCEPTIONS

- Item 1:** This item is not survey issue and was not addressed as a part of this survey.
- Item 2:** This item is not survey issue and was not addressed as a part of this survey.
- Item 3:** Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
VISIBLE EVIDENCE AT THE TIME OF OUR FIELDWORK, AS SHOWN ON THIS SURVEY
- Item 4:** Easements or claims of easements not shown by the public records.
VISIBLE EVIDENCE AT THE TIME OF OUR FIELDWORK, AS SHOWN ON THIS SURVEY
- Item 5-a:** These items are not survey issues and were not addressed as a part of this survey.
- Item 9:** Easement for the purpose of constructing, reconstructing, improving and maintaining a public highway and right to construct and maintain, temporary snow fences, in favor of the State of Minnesota, contained in Final Certificate dated January 25, 1930, filed January 28, 1930, in Book 5 of Misc., Page 577.
IT IS NOT ON OR DOES NOT TOUCH THE SURVEYED PROPERTY.
- Item 10:** Easement for the purpose of constructing, reconstructing, improving and maintaining a public highway, in favor of the State of Minnesota, contained in Final Certificate dated March 30, 1949, filed April 28, 1949, in Book 26 of Misc., Page 1.
IT IS NOT ON OR DOES NOT TOUCH THE SURVEYED PROPERTY.
- Item 11:** Rights of ingress and egress, in favor of the State of Minnesota, except retained right of access as described in Warranty Deed dated October 15, 1973, filed January 7, 1976, in Book 245 of Deeds, Page 116, as Document No. 2:9873.
AS SHOWN ON THIS SURVEY.
- Item 12:** Subject to possible utility easements, in favor of Kandiyohi Cooperative Electric Power Association, as evidenced in Quit Claim Deed dated May 21, 1976, filed June 16, 1976, in Book 249 of Deeds, Page 174, as Document No. 252005.
THE LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT, BUT STATES "LAND LYING WITHIN THE TRUNK HIGHWAY RIGHT OF WAY". WE WERE NOT PROVIDED WITH THE COMMISSIONER'S CENTERLINE ORDER FROM 1927 OR 1975 THAT IS QUOTED IN SAID DOCUMENT.
- Item 13:** This item is not a survey issue and was not addressed as a part of this survey.
- Item 14:** Subject to Willmar Municipal Airport Zoning Ordinance, passed and adopted July 11, 2007, filed October 11, 2007, as Document No. 556120.
AS SHOWN ON THIS SURVEY. THE GREEN LINE HIGHLIGHTS THE BORDER BETWEEN THE PRECISION INSTRUMENT APPROACH ZONE AND THE TRANSITIONAL ZONES.
- Item 15:** This item is not a survey issue and was not addressed as a part of this survey.

This drawing prepared by:

Bonnema Runke Stern Inc.

Professional Land Surveyors
1809 22nd St SW - Suite 104
Willmar, MN 56201
Office (320) 231-2844 Fax (320) 231-2827

Requested by: *Tary Draper, Ziegler Inc.*
601 West 94th Street
Bloomington, MN



LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- Cast Iron Monument
- Sign
- Fire Hydrant
- Water Gate Valve
- Manhole
- Drain Tile Inlet
- Manhole
- Power Pole
- Telephone Pedestal
- Culvert
- Sewer Line
- Underground Telephone
- Underground Electric
- Water Line
- Overhead Power Line
- Restricted Access
- Precision Instrument Approach Zone
- * See Schedule B, Part 2 Exceptions, Item 14
- Gravel
- Bituminous
- Low Area *See Table A, Item 18*

The distances shown from improvements to the property lines are shown for reference purposes only and are NOT intended for determining the property line location. Property corner monuments shall always be used when establishing the property line.

To Washington Realty, Inc., a Minnesota corporation, or its assigns; Wallace V. Janssen Living Trust; Commercial Partners Title, LLC; and Old Republic National Title Insurance Company,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 7a, 8, 9, 11, 13, 14, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed on July 31, 2018.

Joshua M. Stern

Date: **August 17, 2018** License No. 46169

PLANNING COMMISSION – NOVEMBER 7, 2018

STAFF COMMENTS

1. SUNWOOD APARTMENTS PUD AMENDMENT CUP – FILE NO. 18-04:

- The applicant is AEHM, LLC/Suite Liv'n, Willmar, MN by Gabe Olson.
- The applicant is requesting a CUP to amend the current PUD to allow a 24 unit multi-family apartment complex on property described as: All that part of Lots 33, 34, 35, & 36, Block 5, College View and the adjacent vacated 26th St NW (2609 15th Ave NW).
- The property is currently zoned R-4 (Medium Density Multi-Family Residential).
- At this time, the parcel is landlocked. The closest access is via 15th Ave NW, across 2 other parcels also owned by AEHM, LLC. All parcels need to be combined for access or a plat with an Outlot for access is needed.
- The parcel of interest is currently undeveloped. Sunwood Apartments currently consists of 2, 12-unit complexes accessed via the same point.
- The current PUD (#76-13) intended for a third 12-unit building. These units were never built.
- Parking requirements are met (96 required; 98 provided).
- Lot width minimum is met. Zoning Ordinance Lot Area is not met, but does not exceed the PUD limit of two times the usual permitted density.
- Staff received a few phone calls regarding this request. A neighbor expressed concerns about increasing traffic and care of property. Another neighbor expressed that the location is good for students.
- Parking area cannot extend past current location or a variance shall be required. Interior setback requirements in a multi-family housing zone is 10'. A PUD cannot alter any setbacks directly adjacent to parcels outside of the PUD.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. Parking areas shall be no closer to property lines than current setbacks or Ordinance standard, whichever distance is shorter, or a variance shall be obtained.
- B. The parcel of interest shall be combined with the two parcels directly north or a Plat shall be created with an Outlot for access to the public road.
- C. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. THORPE PROPERTY ANNEXATION – FILE NO. 18-01:

- The applicants are Dennis and James Thorpe. They are the sole property owners.
- The applicant has petitioned for annexation of 9.9 acres of property legally described as follows: The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota. Subject to the rights of the public in C.S.A.H. No. 5. Subject to easements of record.
- The property abuts the City Limits to the south and the east.
- The applicant has plans for sell the property for a multi-family residential development.
- This petition will be included in a single Joint Resolution for Orderly Annexation Agreement between the Willmar Township Board and Willmar City Council.

- The City notified the Township, County, Engineering, Municipal Utilities, Fire Marshall, and Police Chief to comment about the feasibility of the request. Their responses are as follows:

Willmar Town Board: Will review Monday, November 12.

Willmar Municipal Utilities: Water – costs associated with interconnecting with the existing water main located along CSAH NO 5 will belong to the new developer.

Electric – costs associated with interconnecting with the existing power line located along CSAH NO 5.

Kandiyohi County Engineer: Comments not available at this time.

Fire Marshall/Chief: I have reviewed the request. The only thing I can foresee right now would be the proper size water lines for both fire hydrants and fire protection.

Police Chief: Annexation itself has no foreseen impact. Multi-unit housing proposed would likely increase WPD calls for service in the area due to increased population. No projected \$ or time known now.

City Engineer/Public Works Director: I have reviewed information submitted regarding the annexation of the Thorpe property and have the following comments:

- Engineering design best practices will be discussed further when construction plans are produced. This may pertain to water, sanitary, and storm drain.
- Current City Construction Standards will also be considered as these projects progress. The Engineering Department will work closely with the developers to ensure a smooth construction process.
- The above referenced annexation is contiguous and logical expansion of the City of Willmar Corporate Limits.
- The above referenced annexation is adjacent to all necessary utilities and public rights of way.

RECOMMENDATION: Approve the petition for annexation and forward it onto the City Council for joint resolution adoption.

3. ZIEGLER ANNEXATION – FILE NO. 18-02:

- The applicant is Ziegler CAT by Tary Draper, Minneapolis, MN. They are the sole property owners.
- The applicant has petitioned for annexation of 74.4 acres of property legally described as follows: The North Half of the Northeast Quarter (N½ NE¼), Section Thirty-four (34), Township One Hundred Nineteen (119), Range Thirty-five (35), Kandiyohi County, Minnesota; LESS AND EXCEPT U.S. Trunk Highway #71 Right-of-Way; AND LESS AND EXCEPT that part of the North 125 feet of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) which lies between two lines running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in Book 245 of Deeds, Page 116.
- The property abuts the City Limits to the north.
- The applicant has plans for commercial development on about 15 acres of the parcel, and the remainder of the land would continue to be farmed.
- This petition will be included in a single Joint Resolution for Orderly Annexation Agreement between the Willmar Township Board and Willmar City Council.

- The City notified the Township, County, Engineering, Municipal Utilities, Fire Marshall, and Police Chief to comment about the feasibility of the request. Their responses are as follows:

Willmar Town Board: Will review Monday, November 12.

Willmar Municipal Utilities: Water – costs associated with extending the existing water main at the intersection of HWY 71 S and 45th Ave SE to the property will belong to the new developer.

Electric – This area is currently served by the Kandiyohi Power Cooperative (KPC). WMU and KPC have a Territory Acquisition Agreement which requires that the KPC will serve the newly annexed properties for 10 years AFTER the annexed properties become greater than 50% developed. At that time, the area would become WMU territory and WMU would buy out KPCs infrastructure.

Kandiyohi County Engineer:

Fire Marshall/Chief: I have reviewed the request. The only thing I can foresee right now would be the proper size water lines for both fire hydrants and fire protection.

Police Chief: No known impact on WPD regarding this annexation.

City Engineer/Public Works Director: I have reviewed information submitted regarding the annexation of the Ziegler CAT property and have the following comments:

- Engineering design best practices will be discussed further when construction plans are produced. This may pertain to water, sanitary, and storm drain.
- Current City Construction Standards will also be considered as these projects progress. The Engineering Department will work closely with the developers to ensure a smooth construction process.
- The above referenced annexation is contiguous and logical expansion of the City of Willmar Corporate Limits.
- The above referenced annexation is adjacent to all necessary utilities and public rights of way.

RECOMMENDATION: Approve the petition for annexation and forward it onto the City Council for joint resolution adoption.